

Application No.: 09/628,880

Filed: July 31, 2000

TC Art Unit: 2151

Confirmation No.: 4970

REMARKS

The following Remarks are filed in response to the Office action dated November 29, 2006. Reconsideration is respectfully requested.

The Applicants' Attorney wishes to thank the Examiner for affording him the opportunity to discuss the above-referenced Office action by telephone on December 7, 2006.

In the above-referenced Office action, the Examiner considered the Applicants' Amendment filed on September 5, 2006 as being non-compliant because it failed to meet the requirements of 37 C.F.R. 1.121 or 1.4. Specifically, the official action indicates that claims 28-30 are designated in the Amendment of September 5, 2006 as "previously presented" claims, however, there has been no record of claims 28-30.

The Applicants respectfully point out, however, that claims 28-30 were originally submitted as "new" claims in the Applicants' Amendment under 37 C.F.R. 1.116 dated September 22, 2005. In response to the Applicants' Amendment of September 22, 2005, the Examiner issued an Advisory Action on October 14, 2005, which indicated that the Amendment of September 22, 2005 will not be entered because the proposed amendments raise new issues that would require further consideration and/or search. The Applicants

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subsequently filed a Request for Continued Examination (RCE) on October 21, 2005, which included a request that the unentered Amendment of September 22, 2005 be entered. In response to the RCE dated October 21, 2005, the Examiner issued an Office action on May 2, 2006, which indicated that the finality of the previous Office action has been withdrawn, and the Applicants' submission of September 22, 2005 (mailroom date September 26, 2005) has been entered. Accordingly, it is respectfully submitted that claims 28-30, which were originally submitted in the Applicants' Amendment of September 22, 2005, became of record in the Office on May 2, 2006.

Because claims 28-30 became of record in the Office on May 2, 2006, the Applicants respectfully submit that claims 28-30 were correctly designated as "previously presented" claims in the Applicants' Amendment dated September 5, 2006. Accordingly, it is respectfully submitted that the Notice of Non-Compliant Amendment is unwarranted and should be withdrawn.


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The Examiner is encouraged to telephone the undersigned Attorney to discuss any matter relating to this response to notice of non-compliant amendment.

Respectfully submitted,

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